

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SRI INTERNATIONAL, INC., a California Corporation,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 04-1199 (SLR)
)	
INTERNET SECURITY SYSTEMS, INC., a Delaware Corporation, INTERNET SECURITY SYSTEMS, INC., a Georgia Corporation, and SYMANTEC CORPORATION, a Delaware Corporation,)	
)	PUBLIC VERSION
)	
Defendants and)	
Counterclaim-Plaintiffs.)	

**FOURTH DECLARATION OF DAVID E. MOORE IN SUPPORT OF
THE ANSWERING BRIEF OF DEFENDANTS ISS AND SYMANTEC
TO SRI'S MOTION FOR PARTIAL SUMMARY JUDGMENT THAT THE LIVE
TRAFFIC ARTICLE IS NOT A SECTION 102(B) PRINTED PUBLICATION**

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Dated: June 30, 2006
Public Version Dated: July 11, 2006

I, David E. Moore, hereby declare as follows:

1. I am associated with Potter, Anderson & Corroon LLP, counsel of record in this action for Internet Security Systems, Inc. I make this Declaration in support of “Answering Brief of Defendants ISS and Symantec to SRI’s Motion for Partial Summary Judgment that the Live Traffic Article is Not a Section 102(b0) Printed Publication.” and would and could competently testify to the matters set forth below if called upon to do so.

2. Attached hereto as Exhibit A-C are true and correct copies of the August 1, 1997, November 10, 1997 and December 12, 1997 version of the *Live Traffic Analysis of TCP/IP Gateways* paper (SRI 067675-067689; SRI 067176-067186; SRI 054583-054846).

3. Attached hereto as Exhibit D are true and correct copies of selected pages of the 30(b)(6) Deposition Transcript of Phillip Porras.

4. Attached hereto as Exhibit E is a true and correct copy of an email from Phillip Porras dated August 1, 1997 (SRI 0460761).

5. Attached hereto as Exhibit F is a true and correct copy of printed web pages from <ftp://ftp.csl.sri.com/>, <ftp://ftp.csl.sri.com/pub> and <ftp://ftp.csl.sri.com/pub/emerald>.

6. Attached hereto as Exhibit G is a true and correct copy of SRI 105589-105609 that appears to be a February 5, 1997 PowerPoint presentation titled “EMERALD- Event Monitoring Enabling Responses to Anomalous Live Disturbances - DARPA contract No. F30602-96-C-0294.

7. Attached hereto as Exhibit H are true and correct copies of emails from Phillip Porras dated January 6, 1997, January 8, 1979 and January 14, 1997 (SRIE 0053253, SRIE 0053201 and SRIE 0051584, respectively).

8. Attached hereto as Exhibit I is a true and correct copy of selected pages of *Andreas Rusmusson Sverker Jansson*, Personal Security Assistance for Secure Internet Commerce Position Paper from the Swedish Institute for Computer Science archive by the Internet Archive's Wayback Machine and available at <http://web.archive.org/web/19970724155431/http://www.sics.se/~ara/papers/NSP96/NSP96.html> and <http://web.archive.org/web/19970724190142/www.sics.se/~ara/papers/NSP96/node9.html>.

9. Attached hereto as Exhibit J is a true and correct copy of the bibliography from a January 28, 1999 report titled "Practical Architectures for Survivable Systems and Networks: Phase-One Final Report" (SRI 039951).

10. Attached hereto as Exhibit K are true and correct copies of emails from Phillip Porras dated December 17, 1996, January 8, 1997, December 17, 1996 and January 6, 1997 (SRIE 0053363, SRIE 0053201 and SRIE 0053367, respectively).

11. Attached hereto as Exhibit M is a true and correct copy of the first returned page of a search performed on Google Groups for <ftp://ftp.csl.sri.com>.

12. Attached hereto as Exhibit N is a true and correct copy of the Quarterly Report (SRI 011739-011743).

13. Attached hereto as Exhibit O is a true of The Risks Digest volume index available at <http://catless.ncl.ac.uk/Risks/> (available June 29, 2006).

14. Attached hereto as Exhibit P are true and correct copies of excerpts from The Risks Digest as archived by the Internet Archive's Wayback Machine.

15. Attached hereto as Exhibit Q is a true and correct copy of a table that lists EMERALD downloads that was available on the SRI WWW site on August 25, 1997 (SRI 094295).

16. Attached hereto as Exhibit R is a true and correct copy of a table from Internet Archive that lists the EMERALD downloads available on the SRI WWW site on September 4, 1997 (ISS_2126097).

17. Attached hereto as Exhibit S is a true and correct copy of an email from Teresa Lunt dated January 24, 1997 (SRIE 0053029).

18. Attached hereto as Exhibit U is a true and correct copy of an excerpts from the Internet Archive FAQ section available at <http://www.archive.org/about/faqs.php> .

19. Attached hereto as Exhibit V is a true and correct copies of the Internet Archive's Wayback Machine's crawl history of <http://www.csl.sri.com/intrusion.html> and www.csl.sri.com/emerald/downloads.html available at http://web.archive.org/web/*/http://www.csl.sri.com/intrusion.html and http://web.archive.org/web/*/http://www.csl.sri.com/emerald/downloads.html

20. Attached hereto as Exhibit W is a true and correct copy of an excerpt from § 2128 of the Manual of Patent Examining Procedure (MPEP), 8th Edition, August 2001, Last Revision October 2005.

EXECUTED this 30th day of June, 2006 in Wilmington, Delaware.

/s/ David E. Moore
David E. Moore

**IN THE UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on July 11, 2006, the foregoing document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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I hereby certify that on July 11, 2006, I have Electronically Mailed the attached document to the following non-registered participants:

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